



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4615
Fax: (845) 563-4693

OFFICE OF THE PLANNING BOARD
WEDNESDAY — JULY 14, 2004 - 7:30 PM

TENTATIVE AGENDA

CALL TO ORDER

ROLL CALL

APPROVAL OF MINUTES DATED: MAY 26, 2004

ANNUAL MOBILE HOME PARK REVIEW:

- a. THOMPSON MOBILE HOME PARK
- b. MT. AIRY PARK – RT. 207

PUBLIC HEARINGS:

- 1. **BUILDERS ASSOCIATION OF THE HUDSON VALLEY (04-13) RT. 207**
Proposed construction of second story on existing building for office use.

REGULAR ITEMS:

- 2. **NEW WINDSOR DELI (04-15) RT. 300 & UNION AVENUE (BONURA)**
Proposed cooler and storage addition to existing deli with caretaker's apartment.
- 3. **3062 RT. 9W (CENTRAL VALLEY REAL ESTATE) (04-11) RT. 9W (COPPOLA)**
Proposed two-story office building adjoining existing one-story office building formerly Ben Harris.

DISCUSSION:

- 4. **BRIARWOOD SUBDIVISION (01-60) – EXPIRATION**
- 5. **RPA ASSOCIATES** - Resolution requiring preparation of Draft SEIS for the Project in accordance with the requirements of 6 NYCRR 617.9

ADJOURNMENT

(NEXT MEETING –JULY 28, 2004)

July 14, 2004

1

TOWN OF NEW WINDSOR

PLANNING BOARD

JULY 14, 2004

MEMBERS PRESENT: JAMES PETRO, CHAIRMAN
RON LANDER
JERRY ARGENIO
THOMAS KARNAVEZOS
NEIL SCHLESINGER

ALTERNATES: ERIC MASON
DANIEL GALLAGHER

ALSO PRESENT: MARK EDSALL, P.E.
PLANNING BOARD ENGINEER

MICHAEL BABCOCK
BUILDING INSPECTOR

ANDREW KRIEGER, ESQ.
PLANNING BOARD ATTORNEY

MYRA MASON
PLANNING BOARD SECRETARY

REGULAR MEETING

MR. PETRO: I'd like to call the New Windsor Planning Board meeting to order for July 14, 2004. Please stand for the Pledge of Allegiance.

(Whereupon, the Pledge of Allegiance was recited.)

APPROVAL OF MINUTES DATED MAY 26, 2004

MR. PETRO: Motion to approve the minutes dated May 26, 2004.

MR. ARGENIO: I'll make the motion.

MR. LANDER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board accept the minutes as written. Is there any further discussion to accept those minutes? If not, roll call.

ROLL CALL

| | |
|-----------------|-----|
| MR. LANDER | AYE |
| MR. SCHLESINGER | AYE |
| MR. KARNAVEZOS | AYE |
| MR. ARGENIO | AYE |
| MR. PETRO | AYE |

ANNUAL MOBILE HOME PARK REVIEW:

THOMPSON MOBILE HOME PARK

MR. PETRO: Thompson Mobile Home Park, I see Mr. Fred Thompson is here to represent the mobile home park. It's for a one year extension. Do you have a check for \$100 made out to the Town of New Windsor?

MR. THOMPSON: Yes.

MR. PETRO: Entertain a motion for one year extension.

MR. ARGENIO: So moved.

MR. KARNAVEZOS: Second it.

MR. PETRO: You realize that there's a few things you have to clear up?

MR. THOMPSON: Yes.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board grant one year extension to the Thompson Mobile Home Park. Any further comment? If not, roll call.

ROLL CALL

| | |
|-----------------|-----|
| MR. LANDER | AYE |
| MR. SCHLESINGER | AYE |
| MR. KARNAVEZOS | AYE |
| MR. ARGENIO | AYE |
| MR. PETRO | AYE |

MR. PETRO: Fred, thanks for coming in. Always good to see you.

MR. THOMPSON: Same here. Thank you.

MT. AIRY PARK

MR. PETRO: We go to Mt. Airy Park on Route 207. Someone to represent this? Do you have a check for \$100? Again, this is for a one year extension to the Mobile Home Park. Some of them have minor problems you can take care of with the building department. Any further discussion from the board members? If not, motion for one year extension.

MR. LANDER: So moved.

MR. ARGENIO: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board grant one year extension to the Mt. Airy Mobile Home Park. Is there any further discussion? If not, roll call.

ROLL CALL

| | |
|-----------------|-----|
| MR. LANDER | AYE |
| MR. SCHLESINGER | AYE |
| MR. KARNAVEZOS | AYE |
| MR. ARGENIO | AYE |
| MR. PETRO | AYE |

PUBLIC HEARINGS:BUILDERS ASSOCIATION OF THE HUDSON VALLEY (04-13)

MR. PETRO: Proposed construction of a second story on existing building for office use. This plan was previously reviewed at the 9 June, 2004 planning board meeting. The application is here tonight for a public hearing, NC zone, proposed use is a use by right in the zone, bulk information on the plan is correct, one correction is still needed, you can work that out with Mark. Lighting information as shown needs to indicate the acceptable lighting pattern, information on the plan is still incomplete so I cannot verify the design layout. Important to discuss whether the matter deserves further review. Why don't you go quickly just again tell us what you're doing there?

MR. DAY: I'm Mark Day, Day Engineering representing Builders Association, Kurt Keaner (phonetic), president of the Builders Association. Piece of property is at the intersection of Route 207 and Jackson Avenue. The property's on Little Britain Road. Right now, the structure is a one story ranch with a one story masonry addition at the rear of it, it's been utilized I understand as an engineering office, as an insurance office and right now, the builders that purchased the building they've done some demolition work, what they are wanting to do, we've got some elevations here basically we're going to remove the roof of the existing home, we're going to add a second story to the rear of the building so that the two roof lines are closer together and we're going to install a new roof to make it a more traditional style. It's as, you've driven by, you've probably seen the project in, I don't want to say, just needs a little beautification which the builders want to do. We've got parking in the back and to the side of the project, we're going to do some landscaping in the rear, provide asphalt parking around the back and to the left of the building. We have a

handicapped parking space up towards the front, there's two elevations that we have to deal with because both buildings are offset by about 4 feet in their layout. The back building was actually about, the back portion of the building I should say is offset about 4 feet from the other so that we have two handicapped spaces that will be provided, one to the, let's say the right side of the building right here, there will be handicapped accessible and then on the easterly side of the building there's going to be another handicapped ramp that will be served here and go in the front of the building. There's going to be considerable amount considerable change to this project as far as the building look and the type and I think everybody will like it when we're done.

MR. PETRO: What's the total square footage of the building when it's complete?

MR. DAY: I don't have any bulk information with me but it's going to be approximately it's right on the drawing it's about 3,316, I think.

MR. KARNAVEZOS: I'm sorry, 3,700.

MR. PETRO: Downstairs area not enough head room for use so--

MR. DAY: Right, that's storage, we're not planning on doing anything down there, it's less than I think 6 feet so as you can see what we have done if you look at the westerly elevation there used to be a doorway right here, we're going to remove that doorway so that it will only be accessible from the other side of the building but that's not an accessible door as far as handicapped or anything like that but that door does exist, there's a door here which we're going to remove.

MR. PETRO: Tell us about the lighting that Mark says is incomplete on the plan.

MR. DAY: I'm not really sure, what we'd like to do we're proposing a light out in the new island here, we're also providing wall packs on the building that would shine all the way around, they're going to be provided with baffles so that we don't allow any infiltration off-site. They're very easily controllable now with the installed adjustable plates right in the lens of the wall pack. There is a wetlands to the rear of us so I don't think we'd ever have an intrusion problem. This is a vast wetlands as you may know this is undeveloped for a large part of it, this corner property's undeveloped and there's a few homes here, there's a small home here, there's a small house a little further down but we kept through our lighting pattern we kept it on our property, we're not going to go off, we haven't any intrusion off our property.

MR. PETRO: Sanatory system and design, this is a subsurface sanitary system to be located under the pavement in the parking lot? That's what it says.

MR. DAY: Right.

MR. PETRO: Tell me about that.

MR. DAY: What it is now the system is located where we show it, we, since we're going to be driving on this which we think the prior owner, did we want to use concrete which will allow H-20 loading so we can drive over it and the system will work under the pavement.

MR. PETRO: If it needs repair just dig up the pavement, repair it and repave it?

MR. DAY: Right.

MR. KARNAVEZOS: I made a mistake on the count, it's 5,930 square feet between first and second.

MR. PETRO: Multiple floors?

MR. DAY: Right, total.

MR. LANDER: Do you have Town water out there?

MR. DAY: No, it's a well.

MR. LANDER: So your well's located in the front?

MR. DAY: Our well is, actually, you can just see it, it's off the right side of the front of the building.

MR. PETRO: Mark has some comments you can obviously read them yourself and apply them to the plan. All right, this is a public hearing, on the 25th day of June, 2004, 12 addressed envelopes containing the notice of public hearing were mailed. If someone is here who'd like to speak for or against or make comment on this application, be recognized by the Chair, come forward, state your name and address.

MR. STEIDLE: I have already signed in. I appreciate the opportunity to comment. By name is Bill Steidle, I reside at 575 Jackson Avenue. I have a couple of quick comments, most of which relate to the wetlands on the site. First comment is that the wetland is in fact part of the state regulated wetland which means that there also is a hundred foot adjacent area or buffer area that's also regulated by the DEC, in fact, the wetland is identified as having been marked by Michael Nowicki, Mike is a fine gentleman, he does not work for DEC though, he's an excellent consultant but DEC should be consulted and the wetland boundary verified. The adjacent one should be shown on the plan that Mark, I'm surprised you didn't show it.

MR. PETRO: Are you changing the footprint of the building itself?

MR. DAY: No.

MR. PETRO: Just go up?

MR. DAY: Correct.

MR. PETRO: Only other thing you're changing outside would be more or less paving?

MR. DAY: Right.

MR. PETRO: Not changing the footprint at all?

MR. DAY: That's correct.

MR. STEIDLE: Well, the items that require DEC approval in my judgment include the parking areas, some of the parking areas and the associated paving and grading as well as the septic system, there's an expansion proposed all of which is located within the hundred foot buffer area. And let me just go back to give you some history. DEC stopped the prior owner from filling last time around so it should not come as a surprise, may come as a surprise to the Builders Association but should not come as a surprise to the owners of the property at least prior owners because they were visited by DEC and the filling was stopped, whether they paid a fine or not I don't know. So that again all I ask is that the board require that the applicant go before DEC, that the plan's been modified to identify that it is a DEC wetland, show the buffer area and apply for the necessary permit. As far as the septic system, I think the wells on the adjoining sites should be shown, there are two houses immediately adjacent to the septic system, the septic system is in fact within 10 or 15 feet of the property boundary of both of those lots and I think, I assume that this is going to go before the health department, in fact, a discharge permit may in fact be needed from DEC.

MR. DAY: Septic system is in its existing location.

MR. STEIDLE: If you look at sheet 3, the septic plan is some expansion of the system proposed.

MR. PETRO: You're making the system larger, correct?

MR. DAY: We're not, we're matching what would be the former for this building but the use, I mean, no one really knows what's out here but we have through our subsurface investigation the system is in this area so we're not making it, we're not moving it to an area that's not or any closer to the wetland. As far as the wetland, I did, we did speak to the DEC about this, there are flags that Mike Nowicki basically verified we're not encroaching any further on the wetland than is there already. This top of the berm you can see right here that was the edge of the fill and this was there when they were told to stop. We have talked to DEC, they're trying to get out there, their schedule has not been one that we can--

MR. PETRO: Work it out with Mark. But I'm not concerned about the building itself and the buffer zone but the expansion to me of the septic system would seem logically that if the building that's there now is 3,000 something feet and you're going to 5,900 feet that the septic system should be larger, I mean, just be common sense, got to be more bathrooms.

MR. DAY: It's not an issue of this, we were told from the prior owner that there were I think 12 offices downstairs when there was an insurance office in there. We're not proposing square footage, yes, I agree we're increasing it but the use, the prior use was considerably larger.

MR. STEIDLE: Much more parking now which is the design flow.

MR. DAY: It's on the sheet, it's right on the--

MR. STEIDLE: Design flow is integral.

MR. DAY: We did do that, we spoke to the Town engineer about it and that was the path we chose.

MR. PETRO: We're going to need something from the DEC here to have in the file being you're going to be talking to them about whether you flagged it or not, we should have a letter stating that it's been flagged, that there's no intrusion anywhere, even if you're in the buffer zone but I'd like to see the expansion of the, or if you don't want to use the word expansion of the septic system, the new septic system, the design of it at least Mark they should look at it.

MR. EDSALL: We have comments on page 2 under comment 3.

MR. PETRO: So you're already addressing it then.

MR. EDSALL: That and obviously we've got the other issue of once they get the flag location verified we can find out if there's a problem in that regard.

MR. PETRO: He's already on it.

MR. STEIDLE: Let me say one thing so it's clear to the builders, you know, I have some, I worked for DEC for good many years, I worked in the wetlands program for 25 years, I can tell you that that plan requires a DEC approval, I assume that you will go and get the approval now whether there's, you know, whether that approval will be easy or difficult to get, I don't know but it requires approval so let me just say that.

MR. PETRO: Bill, listen, I don't want to be rude either but we'll tell them what's required, what's not

required, give us the concerns, let Mark do his job, bring out some points, we'll tell him what's required. If everybody comes up and tells them you're overeducated for what you're telling him.

MR. STEIDLE: I don't want any misunderstandings because I don't want to have to contact DEC, I mean.

MR. PETRO: No, we're, I think we're on the same page, frankly.

MR. STEIDLE: I don't have a problem, I'm surprised that Mr. Day--

MR. DAY: We have contacted, I have spoke to the gentleman.

MR. PETRO: Mark has comments, if you read Mark's comments, he's saying what you're saying we're just going to get to there. What other comments?

MR. STEIDLE: Other only comment was beautification, I would agree that the site could use some beautification and you have parking going right up to the Route 207 right-of-way, it would be nice to have some further landscaping, it would seem to me between the parking areas on Route 207, but I will let the, defer to the board in that regard. Thanks very much.

MR. PETRO: Thank you. Anybody else in the public?

MR. SCHLESINGER: I don't know who's in the audience who's not in the audience but being that there are residential houses right within the very close vicinity I think it should just be noted that you do have meetings after regular business hours, hours say from 6 to 9 o'clock at night and, you know, cement trucks and dump trucks coming in or anything like that, but should just be on the notes that it be, that it's close, a residential area that you do have a business going on

there until 9 o'clock sometimes.

MR. DAY: These are just passenger cars.

MR. SCHLESINGER: No, I just felt it was important to put it on the notes in case anybody wanted to know, I don't want anybody saying well, we didn't know that.

MR. PETRO: Before you go any further, let me have a motion to close the public hearing.

MR. ARGENIO: So moved.

MR. LANDER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board close the public hearing for the Builders Association of Hudson Valley site plan on Route 207. Any further discussion from the board members? If not, roll call.

ROLL CALL

| | |
|-----------------|-----|
| MR. LANDER | AYE |
| MR. SCHLESINGER | AYE |
| MR. KARNAVEZOS | AYE |
| MR. ARGENIO | AYE |
| MR. PETRO | AYE |

MR. PETRO: At this time, I will open it up to the board for any further comment. Neil, do you have anything else?

MR. SCHLESINGER: I wanted to make a comment in case there was a neighbor in the audience at that time they could have addressed it or could have been a discussion, that's why I brought it up.

MR. PETRO: Let's talk about the landscaping on that side, on the Jackson Avenue side behind the house, it's

residential houses there, just some natural growth down there, I'm sure what do you have in mind for that, I don't see very much on the plan, why don't you augment that when you come back and show us what you're doing there, put something there to give us a little buffer, whether some five or six foot pines, whatever you can come up with.

MR. DAY: Mainly you're looking at this here?

MR. PETRO: Where the houses are, not where the empty lot is because probably that's going to be a commercial type of lot at some point, I don't know what they're going to put there without a sewer but I'm sure that's not a problem now. But from the back line up the empty lot back give us some screening back there, screening along the other side is not needed. Mark, you're going to take care of the all the DEC questions, make sure it gets there?

MR. EDSALL: I kept notes from the discussion and I will follow up with the applicant.

MR. PETRO: Fire approval on 7/14/2004, you're not doing anything with the curb cut at all so you're not required to have any type of curb cut approval, it's not, it does not belong to the state at all.

MR. DAY: That's right.

MR. PETRO: You're going to re-blacktop the entire lot?

MR. DAY: Yes, whenever new parking.

MR. PETRO: New parking or the entire lot?

MR. DAY: The entire parking lot but, you know, any new areas that we show parking.

MR. PETRO: So you're not going to be going into the

state right-of-way so you're not going to need the permit?

MR. DAY: Right.

MR. PETRO: You're going to go to that property line and stop?

MR. DAY: Right.

MR. PETRO: Mark, what else do you have tonight?

MR. EDSALL: I think that's fine, they've got the comments and we'll meet with them.

MR. PETRO: You've got Mark's comments to go over, I don't want to go over these, you can do that and I guess you should depict the hundred foot buffer line on the, you need to get, it's flagged already you said, right, so along the flagging you're showing the wetlands or the buffer line.

MR. DAY: No, this is where the actual flag is of the actual flagged lots.

MR. PETRO: Show us a line a hundred feet off the scale, you know where it is and what falls and we know you're allowed to do certain things there, at least show it on the plan and that's it. Thank you.

MR. PETRO: How come they have fire approval without being sprinklered?

MR. BABCOCK: Are you talking about the 5,000 square foot rule, Jim?

MR. PETRO: Yeah.

MR. BABCOCK: They don't, it's new, if they were creating a new 5,000 square foot then they would

require the sprinkler.

MR. PETRO: They used to combine, they're not doing that anymore?

MR. BABCOCK: No.

MR. ARGENIO: So it's only the new square footage.

MR. BABCOCK: If they were adding--

MR. SCHLESINGER: 5,000 square feet, that's new 5,000 square feet?

MR. BABCOCK: That's correct and if the building was already a thousand, they were changing it, yes, it wouldn't require it neither, only if a new building 5,000 square foot or more.

MR. PETRO: I understand what you're saying but until a second ago before you just said that it hasn't been that way for ten years, so what's, when has that changed? I like it myself, I think it's a good smart thing to do.

MR. BABCOCK: I don't think it's a change, I don't believe personally it was ever a change, the code.

MR. PETRO: If we took a building and increased it over 5,000 square feet it had to go to fire for a sprinkler or relief.

MR. BABCOCK: If you had an old building that you increased the square footage by more than 5,000.

MR. PETRO: Not more, up to, absolutely, I'll bet you a hundred thousand bucks against somebody's ten bucks cause I'll win.

MR. SCHLESINGER: What Jimmy's saying if you had a

building that was 3,000 square feet and you increased it to 5,500 square feet what's the code?

MR. BABCOCK: No sprinkler.

MR. SCHLESINGER: If you increased it, if it's 3,000 square feet to 8,500 square feet then you need it.

MR. PETRO: I know exactly what he's saying and I disagree.

MR. BABCOCK: I think, Jim, it's who's reading the code, it says new construction, doesn't say anything about existing. It says new construction.

MR. EDSALL: I believe that several years ago they did impose sprinklers on buildings, once they reached 5,000 they may have changed the way it's being interpreted since they have the new State Code New Windsor.

REGULAR ITEMS:

NEW WINDSOR DELI (04-15)

Mr. Joseph Bonura appeared before the board for this proposal.

MR. PETRO: Proposed cooler and storage addition to existing deli with caretaker apartment. This application proposes small addition for a walk-in cooler and storage as well as a caretaker apartment on the second floor. The plan is reviewed on a concept basis only. Property's located in a PI zone. The site is also a Historic Corridor Overlay Zone, retail deli use is pre-existing, non-conforming use in the zone, caretaker apartment is a special permit in the zone. There are no required bulk table values, table should be corrected to note existing and proposed values only. Who drew the plans?

MR. ARGENIO: Cuomo.

MR. PETRO: So, Joe, you'll have to get him to straighten that out. Take a copy of Mark's comments when you leave. Also applicant's engineer should check the retail floor area values and the parking calculation, 21 percent increase in the footprint so the zone is no problem, just you have to make sure once it's increased we're not creating a different zoning problem with too close to the property line. I looked at the plan briefly with Joe, didn't look like it did but I didn't have a--Mark, did you ever check that side yard out?

MR. EDSALL: No, what we're saying is that this use in this zone doesn't have bulk requirements.

MR. PETRO: Talking about once we get passed that the building itself is there, is he too close to the property line? Is the height the problem? Is there

any other zoning problem which would make us go to the zoning board? Not the 21 percent, I know we're passed that.

MR. EDSALL: What I'm saying in the code the only numerical criteria you have to go by is the 30 percent, there are no setback values for the, just if you read the non-conforming section of the code, it's flexible enough that if you believe that there's adequate room, I don't think there's a number to go by, that's why I'm telling him to take the proposed.

MR. ARGENIO: He's not worsening the existing condition.

MR. EDSALL: He's closer to Route 300 but there's still adequate room, he's closer to 300 but there's still adequate room for vehicle movement, parking.

MR. PETRO: Well, in reality though he's, cause there's nothing else here, he's closer, he's this much closer to 300.

MR. ARGENIO: Has he placed some threshold?

MR. PETRO: That's what we can determine whether or not that becomes a problem or not.

MR. EDSALL: That's why I'm suggesting that he take off the required column.

MR. PETRO: Planning board may wish the position of lead agency.

MR. ARGENIO: So moved.

MR. LANDER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board declare itself lead agency

for the New Windsor Deli site plan on 300. Any further discussion from the board members? If not, roll call.

ROLL CALL

| | |
|-----------------|-----|
| MR. LANDER | AYE |
| MR. SCHLESINGER | AYE |
| MR. KARNAVEZOS | AYE |
| MR. ARGENIO | AYE |
| MR. PETRO | AYE |

MR. ARGENIO: Can I can ask one question, Mr. Bonura, are you increasing the height at all?

MR. BONURA: No.

MR. ARGENIO: I assume no.

MR. PETRO: It's a pretty high building.

MR. ARGENIO: I know it is.

MR. PETRO: Mike, go over with me a little bit with this, I don't think anybody has a problem with the 21 foot, I mean, this 21 percent increase, does anybody have a problem with that? We think that's creating a major thing, he has to go to zoning for a variance, I don't see it that way myself.

MR. BABCOCK: If he was at 31 percent, he would need a variance.

MR. PETRO: We understand that, right, but I see it's the way you're reading it to us that if we did have a problem or felt that it was creating a problem, he could still send them to the zoning board.

MR. EDSALL: That or you could tell him to correct the plan or amend the plan so you'd be happy with the layout. What I checked is that there's adequate

back-out room for the handicapped spaces, there's adequate room for two-way traffic so he's not encroaching to a point that it creates an operational problem.

MR. ARGENIO: There's adequate back-up room?

MR. EDSALL: About 28 feet back out and there's about 25, 27 foot clear to get passed those vehicles into the parking lot.

MR. PETRO: I want to get passed this. Ron, Neil, anybody have a problem with this cooler?

MR. SCHLESINGER: No problem.

MR. PETRO: I want to get to the caretaker apartment. Mike, couple things not necessarily for the planning board but to access the caretaker apartment how are you going to do that? You have to go outside with the stairwell?

MR. BABCOCK: Correct.

MR. PETRO: Cannot use the one in the building?

MR. BABCOCK: Correct.

MR. BONURA: We're going to take the one out inside and propose to put one on the outside.

MR. BABCOCK: Opposite side of the cooler, you'll see the stairs there.

MR. PETRO: It's on the plan, how about--

MR. MASON: Are you going to lose a parking spot there or no?

MR. BONURA: No because there isn't a spot there you

see.

MR. ARGENIO: That's a little sliver.

MR. BONURA: Cause it's on an angle, you don't have a spot there.

MR. SCHLESINGER: On the cooler access from the outside or only from the inside?

MR. BONURA: Only from the inside.

MR. PETRO: Those steps that come down, they're going to go right into the pavement or have a sidewalk, you should have a sidewalk and show some lighting on the plan also.

MR. BONURA: Okay, it's going onto the sidewalk right now because there is a sidewalk there, I believe there's a sidewalk there.

MR. PETRO: There's no steps there now though but when you build the steps, they're going to come down onto a sidewalk, you're having a, there's a sidewalk?

MR. BONURA: I believe there is, if there isn't, we'll put one.

MR. PETRO: Outside light?

MR. BABCOCK: We're going to require that the--

MR. PETRO: Take care of that in the building department then?

MR. BABCOCK: Yes.

MR. PETRO: How about separations, any separations you're going to have from the cooler side to the deli or from upstairs, how about from the floor, the deli to

the floor?

MR. BABCOCK: We haven't got to that, whatever it's going to take, Marshall Rosenblum is working on that whatever he has to do.

MR. PETRO: You're probably going to have to double the sheetrock.

MR. BONURA: We know we need the fire separation.

MR. BABCOCK: We're not sure what's there, we've got to do a calculation what's there and come up with the fire rating and if it meets it, it's fine. If he doesn't meet it, he's going to have to do whatever it takes to meet it.

MR. PETRO: Motion for public hearing.

MR. ARGENIO: Schedule a public hearing for New Windsor Deli.

MR. KARNAVEZOS: Second it

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board have a mandatory public hearing for the New Windsor Deli for the caretaker apartment. Any further discussion from the board members? If not, roll call.

ROLL CALL

| | |
|-----------------|-----|
| MR. LANDER | AYE |
| MR. SCHLESINGER | AYE |
| MR. KARNAVEZOS | AYE |
| MR. ARGENIO | AYE |
| MR. PETRO | AYE |

MR. PETRO: Unless somebody has a problem, listen to me carefully that, Joe, you've already contracted this?

MR. BONURA: Yes.

MR. PETRO: Probably time is of the essence, as everything else is?

MR. BONURA: I already ordered the cooler but it can go inside.

MR. PETRO: Anybody have a problem with him setting the footings or something for the cooler because we're going through a mandatory public hearing for the caretaker apartment, therefore, I would not like to hold the man up on the--

MR. SCHLESINGER: I don't see any problems, commercial people are right next door and everything so--

MR. PETRO: I don't see any problem with it so do you understand you continue on at your own risk, if you do something with the cooler and it becomes a major problem--

MR. BONURA: Does the cooler have to be approved at the public hearing?

MR. BABCOCK: Yes, it's all on one application.

MR. EDSALL: The public hearing is for the special permit which is the apartment but it's still part of the overall site plan.

MR. BABCOCK: But what the board is saying is that you can talk to me and we'll get this cooler project going tomorrow.

MR. PETRO: If it's a major problem, I'm letting you know now that you've wasted some money and sometime but odds of that are very slim.

July 14, 2004

25

MR. BONURA: Thank you.

3062 RT. 9W (CENTRAL VALLEY REAL ESTATE) (04-11)

Mr. Anthony Coppola appeared before the board for this proposal.

MR. PETRO: Proposed two story office building adjoining existing one story office building for Ben Harris. Application proposes development of a two story office building addition fronting on 9W and a separate office storage building on old Route 9W. Site plan was previously reviewed at the 26 May, 2004 planning board meeting, NC zone. All right you're going to have a few comments here from Mark that you're going to have to straighten out with him. What's the resolution here?

MR. EDSALL: That's a separate issue. Mr. Chairman, they made a lot of real good progress. The only thing we want to document for the record including for the building inspector is that the old building in fact was two foot five inches off so I asked for a copy of an old survey. And second comment just letting you know that we worked out the parking, it's fine now. The only open item is for us complete with DOT, DOT changed some personnel, there's a new person up in the Dixon Street permitting office, I have contacted them to set up a meeting to go over this application and some other issues and I'm hopeful that we can get that on the record very soon.

MR. PETRO: What's the change on the plans since the last time we've seen it?

MR. COPPOLA: Mostly they're housekeeping items, they had to do with the parking calculation, I believe there was a correction made in the bulk table, we had added handicapped parking space down here, we reworked the area right around the dumpster, the overall parking stayed the same, the building location stayed the same, we really kind of went right through Mark's comments

and really there was a no parking sign that we corrected, I think they're in basically details and things like that, nothing substantial as far as the building or the parking.

MR. PETRO: Didn't we have a public hearing on this or we waived it I think?

MR. COPPOLA: No.

MR. PETRO: Planning board should determine for the record if a public hearing will be required for this site plan per its discretionary judgment. I will listen to all the members. Ron, we'll start with you.

MR. LANDER: Well, first time I've seen it, Mr. Chairman.

MR. PETRO: I think they're taking down a couple old houses behind Ben, there's shacks down there, I hate to call your property shacks, but they're not in good shape, they're cleaning it up and they want to put up a newer building there.

MR. LANDER: Is this by the Chess Federation?

MR. PETRO: Right next door.

MR. SCHLESINGER: Is that Eric's building?

MR. PETRO: Eric bought the Chess Federation so he'd be the neighbor we'd be contacting so I don't think, and you've got the big hole on the other side then you have the doctor's office on the other side.

MR. MASON: There's really nobody around there.

MR. SCHLESINGER: We waived it for Eric, right, same area.

MR. ARGENIO: We shouldn't of.

MR. COPPOLA: I can remember for the triangle building nobody came to the public hearing.

MR. ARGENIO: I agree with the flavor that we're getting from the other members.

MR. PETRO: What or you think Eric should come back here?

MR. ARGENIO: I think Eric should definitely come back. I said that last meeting. But I think we should waive the public hearing for this.

MR. PETRO: Do you have anything?

MR. KARNAVEZOS: I have no problem with that.

MR. PETRO: Motion to waive the public hearing.

MR. ARGENIO: So moved.

MR. SCHLESINGER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board waive the public hearing under its discretionary judgment for the 3062 Route 9W Central Valley Real Estate 9W site plan. Any further comment from the board members? If not, roll call.

ROLL CALL

| | |
|-----------------|-----|
| MR. LANDER | AYE |
| MR. SCHLESINGER | AYE |
| MR. KARNAVEZOS | AYE |
| MR. ARGENIO | AYE |
| MR. PETRO | AYE |

MR. EDSALL: Approval from New York State DOT is

necessary, I'm currently trying to set a meeting with the new rep, I guess somebody quit down there, Mr. Burns is no longer there. I've heard some positive comments but I can tell you that if you're so inclined as to grant a conditional approval since this is not a new curb cut but they're merely reorienting some curbing along the access, I think that would be fair if you agree and I will just make sure that we--

MR. COPPOLA: For what it's worth, I checked the file when this was originally approved, I was, we got approval ten years ago.

MR. EDSALL: That's 14 employees at DOT years ago.

MR. ARGENIO: Did you apply for the work under the 14 year old permit, is that what you tried to do?

MR. COPPOLA: No.

MR. EDSALL: I'll check with Elgie, see if he signed off on it.

MR. PETRO: Bond estimate has to be submitted for the site work.

MR. EDSALL: We've got that and it's in review.

MR. PETRO: And motion for negative dec.

MR. ARGENIO: So moved.

MR. LANDER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board declare negative dec for the 3062 Route 9W Central Valley Real Estate on 9W site plan. Any further discussion? If not, roll call.

ROLL CALL

| | |
|-----------------|-----|
| MR. LANDER | AYE |
| MR. SCHLESINGER | AYE |
| MR. KARNAVEZOS | AYE |
| MR. ARGENIO | AYE |
| MR. PETRO | AYE |

MR. PETRO: Entertain a motion for conditional approval, final approval subject to.

MR. ARGENIO: I'll make that motion subject to DOT approval which Mark is working on.

MR. SCHLESINGER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board grant final approval subject to the DOT signing off on the plan, survey from the licensed surveyor which documents, the setback being received, parking calculation being corrected and the bond estimate being accepted by Mr. Edsall. Any further discussion from the board members? If not, roll call.

ROLL CALL

| | |
|-----------------|-----|
| MR. LANDER | AYE |
| MR. SCHLESINGER | AYE |
| MR. KARNAVEZOS | AYE |
| MR. ARGENIO | AYE |
| MR. PETRO | AYE |

DISCUSSION:

RPA ASSOCIATES

MR. PETRO: Resolution requiring preparation of the draft EIS for the project in accordance with the requirements of the 6 NYCRR 617.9. At this time, I will excuse myself as required and asked by the, not required but asked by the ethics board and I believe Mr. Argenio will do the same so we're going to step down.

MR. ARGENIO: I'm going to excuse myself too as I am a partner in a firm currently under contract to do certain portions of work on that site.

(Whereupon, Mr. Petro and Mr. Argenio stepped down from the board for this discussion item.)

MR. LANDER: So, Mark, what are we just accepting a resolution here?

MR. EDSALL: Yes, you've got before you copies of first a resolution which is, I will save you from the difficulty of reading it all, but in effect what it is saying is that the Town Board numerous years ago proceeded through a review of and an EAI and then reached those conclusions and findings and since that time, there may have been certain elements of potential impact that may have changed since back in 1989 and based on the public comment, the board is determining that it is appropriate, that a Supplemental Draft Environmental Impact Statement be prepared to address those areas of concern where the conditions may have changed. So this resolution documents that the applicant circulate the notice of the intent to prepare a Draft Supplemental EIS and then lists a copy of the proposed and allows public comment on the scope until Tuesday prior to your next meeting so that you can decide that the scope is final at that meeting,

hopefully, I have coordinated with the applicant's attorneys and other consultants and this reflects their input, actually, it's a document that was jointly prepared by the consultants and then reviewed and edited by yours truly.

MR. LANDER: Okay, is there any action we have to take at this meeting?

MR. EDSALL: I would adopt this resolution and ask that it be placed into the minutes.

MR. LANDER: Are we going to do that with a motion?

MR. KARNAVEZOS: I'll make that motion that we adopt this resolution.

MR. SCHLESINGER: I'll second that.

MR. LANDER: We have a motion and seconded for accepting the resolution for Patriot Estates and Patriot Bluffs condominiums project and I'm, just bear with me a second here, by RPA Associates. Is there any comments by the board? If not, roll call.

ROLL CALL

| | |
|-----------------|-----|
| MR. LANDER | AYE |
| MR. SCHLESINGER | AYE |
| MR. KARNAVEZOS | AYE |

MR. LANDER: Anything else, Mark?

MR. EDSALL: That's all you had to do on this. I just provided the applicant with an appropriate copy of the revised resolution so they'd have it.

MR. LANDER: Thank you.

BRIARWOOD SUBDIVISION (01-60)

MR. EDSALL: So I believe Myra indicated that representatives of Briarwood Subdivision wanted us to affirm that their application is still pending and active and is still being considered under the former zoning. And as I understand the spirit of the grandfathering provisions when the zoning code was made if there was an application that was complete and in the hands of the planning board prior to the adoption of the zoning and the applicant is actively pursuing the approvals that this board would continue to consider the application under the old zoning. If an application falls into disactivity and they just don't pursue any outside agency approvals, don't show up at workshops, don't show up at meetings, there would come a point this board could determine it's not active and disapprove it and come back after the new zoning.

MR. PETRO: The Town Board, the whole idea was not so much to stop people already in works, we're looking towards the future with large tracts of land and future applicants not just people who are already working on something, we weren't trying to give them a hard time.

MR. EDSALL: At this point, it's my recommendation that you consider Briarwood Subdivision an active application, they're pursuing approvals now. In two years, if they haven't done anything, you may have a different position but at this time, it appears that they're active.

MR. PETRO: Okay, any further comments? Then that's it.

FIRST COLUMBIA SITE PLAN

MR. EDSALL: Attached to my comments for tonight are two items, First Columbia had conditional approval for application 03-202 for 555 Hudson Valley Avenue. Chris Bette had advised that they have a real tenant near signing and that particular applicant wants more square footage on a single floor so what they'd like to do is change the per floor square footage from 24 1/2 to 27, It slightly adjusts the building positioning on the site. They're adding some additional parking. My questions is can that be something Mike and I can review before you have the final stamp of approval? Do they want to have them come back?

MR. LANDER: Six thousand square feet we're talking 3,000 per floor?

MR. EDSALL: Five thousand total square foot.

MR. PETRO: Ten percent.

MR. EDSALL: Again, it's not something they're doing just randomly, it's something for a real tenant.

MR. SCHLESINGER: Only thing it affects is parking setbacks although it's no problem.

MR. EDSALL: Just shifts things slightly.

MR. PETRO: Well, you know how I would feel about it. We need to keep these people going out there, they need to get going. So I would definitely say you and Mike can handle it.

MR. EDSALL: We'll make sure the plan's okay when it comes in for your stamping.

MR. PETRO: We'd like it because everything is going to be the same, the landscaping would be, the parking

calculations.

MR. ARGENIO: Just bigger box.

MR. EDSALL: That's all.

MR. PETRO: Not much bigger, it's 10% bigger on the whole scale. So does anybody disagree with me?

MR. ARGENIO: I agree.

MR. KARNAVEZOS: No, no problem.

MR. PETRO: You don't want to see the plans again, right?

MR. KARNAVEZOS: No.

MR. SCHLESINGER: Fine with me.

BRIAN BARBERA SITE PLAN

MR. PETRO: And you'll have to do this, I'll ask to excuse myself again, I'm not going to come back though, you can just close the meeting for me, I'll sit and wait. Last thing, does anybody have anything other than the next item?

(Whereupon, Mr. Petro stepped down from the board for this discussion item.)

MR. ARGENIO: James Petro/Brian Barbera site plan, 01-39. Applicant desires widening of the westerly side of the car wash from approximately 10 to 15 feet which makes the easterly face of the building shift 5 feet. We see no other concerns with the change. Can we deal with this revision on a current application check plan for stamp and sign with approval? Mark, this seems very black and white, anything additional with you?

MR. EDSALL: It's purely a matter of function that they want to have a customer tunnel next to the automatic car wash and they need five more feet. It doesn't affect anything but again, it's a minor change. If it's okay with you, we'll review it in that form before it's stamped.

MR. SCHLESINGER: I have a question on that. The applicant is to my knowledge unless something else is going on still James Petro/Brian Barbera?

MR. BABCOCK: They didn't have an approval so it's staying under that.

MR. SCHLESINGER: Then it will be assigned to a new owner?

MR. EDSALL: There's a third party new owner who's asking this question but the plan hasn't been stamped yet so we're acting under the old application.

MR. ARGENIO: I mean as far as I'm concerned and I don't speak for everybody else, the owner of the car wash doesn't matter, I think that this is relatively insignificant, no zoning issues.

MR. EDSALL: None.

MR. SCHLESINGER: So it's just a tunnel for the people to wash their car?

MR. EDSALL: There's a ten foot area, they want 15.

MR. MASON: It's not going to be a bikini wash, is it?

MR. ARGENIO: Are you okay with this?

MR. LANDER: Yes.

MR. SCHLESINGER: That's fine with me.

MR. ARGENIO: Okay, Mike, proceed, we have no problem with that.

DISCUSSION

MR. SCHLESINGER: I have a question not relative to what we're talking about, Mark, has there been a change on the something we were talking about on the grandfather code?

MR. EDSALL: No, what I discussed earlier is exactly how we have been applying this since the zoning code changed, this is the first time we got asked to confirm it on the record and I think we're really this board didn't set the policy but we're just enacting what the Town Board told us in the spirit what they wanted to have happen.

MR. SCHLESINGER: Okay.

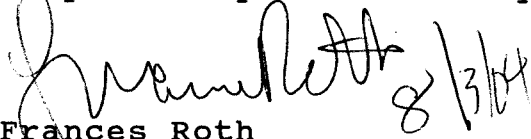
MR. KARNAVEZOS: Motion to adjourn.

MR. SCHLESINGER: Second it.

ROLL CALL

| | |
|-----------------|-----|
| MR. LANDER | AYE |
| MR. SCHLESINGER | AYE |
| MR. KARNAVEZOS | AYE |
| MR. ARGENIO | AYE |

Respectfully Submitted By:


Frances Roth
Stenographer